

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUSAN LEVY,)	
)	
Plaintiff,)	Docket No. 15-CV-07317 (GHW)
)	
)	Hon. Gregory H. Woods
-against-)	
)	
BASF METALS LIMITED <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying papers described herein, and upon all prior pleadings and papers filed herein, that:

1. Defendants BASF Metals Limited; BASF Corporation; Goldman Sachs International; The Goldman Sachs Group, Inc.; Goldman, Sachs & Co.; Goldman Sachs Execution and Clearing, L.P.; HSBC Bank U.S.A., N.A.; ICBC Standard Bank Plc; UBS AG; UBS Securities LLC; and The London Platinum and Palladium Fixing Company Ltd. (collectively “Defendants”) hereby move this Court, before the Honorable Gregory Woods, United States District Judge for the Southern District of New York, at the United States Courthouse, Room 9A, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an order under Federal Rules of Civil Procedure 9(b) and 12(b)(6), dismissing with prejudice all claims against Defendants in Plaintiff’s Second Amended Complaint (the “Complaint”), dated April 3, 2016, and for such other relief as the Court deems just and proper; and

2. Defendants BASF Metals Limited and BASF Corporation also hereby move this Court, on a date and time to be determined by the Court, for an order under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), dismissing with prejudice all claims against them in the Complaint on personal-jurisdiction and other grounds and for such other relief as the Court deems just and proper;

3. Defendant ICBC Standard Bank Plc also hereby moves this Court, on a date and time to be determined by the Court, for an order under Federal Rule of Civil Procedure 12(b)(2), dismissing with prejudice all claims against it in the Complaint on personal-jurisdiction grounds, and for such other relief as the Court deems just and proper;

4. Defendant The London Platinum and Palladium Fixing Company Ltd. also hereby moves this Court, on a date and time to be determined by the Court, for an order under Federal Rule of Civil Procedure 12(b)(2), dismissing with prejudice all claims against it in the Complaint on personal-jurisdiction grounds, and for such other relief as the Court deems just and proper;

5. Defendant UBS AG also hereby moves this Court, on a date and time to be determined by the Court, for an order under Federal Rule of Civil Procedure 12(b)(2), dismissing with prejudice all claims against it in the Complaint on personal-jurisdiction grounds, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that the accompanying papers, filed in support of these motions to dismiss, consist of the following:

(a) Memorandum of Law in Support of Defendants' Joint Motion to Dismiss Plaintiff's Second Amended Complaint;

(b) Declaration of Marshall H. Fishman in Support of Defendants' Joint Motion to Dismiss Plaintiff's Second Amended Complaint;

(c) Defendants BASF Corporation and BASF Metals Limited's Memorandum of Law in Support of Motion to Dismiss the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6);

(d) Declaration of Mary Erin Brennan in Support of BASF Corporation's Motion to Dismiss;

(e) Declaration of Dr. Vasileios Vergopoulos in Support of BASF Metals Limited's Motion to Dismiss;

(f) Defendant The London Platinum and Palladium Fixing Company's Supplemental Memorandum of Law in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2);

(g) Defendant UBS AG's Memorandum in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2), and Defendants UBS AG and UBS Securities LLC's Memorandum in Further Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6);

(h) Declaration of John Connors in Support of UBS AG's Motion to Dismiss for Lack of Personal Jurisdiction;

(i) Defendant ICBC Standard Bank Plc's Memorandum of Law in Support of Motion to Dismiss the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(2);

(j) Declaration of Karin Florencio in Support of ICBC Standard Bank Plc's Motion to Dismiss the Second Amended Complaint.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court's Order of May 2, 2016, ECF No. 124, Plaintiff shall file oppositions to these motions four weeks from the date of service of Defendants' motions. Defendants' replies, if any, are due two weeks from the date of service of Plaintiff's oppositions.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument in connection with these motions.

Dated: August 31, 2016
New York, New York

Respectfully submitted,

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